

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 67-75 and 77-83 are pending in the present application and Claims 67-75 and 77-83 are amended by the present amendment. Support for the amendments is found in the originally filed specification at least in Figures 23, 24, and 32. Thus, no new matter is added.

In the outstanding Office Action Claims 68, 77, 82, and 83 were rejected under 35 U.S.C. § 103(a) as unpatentable over Stefik (U.S. Patent No. 5,715,403) in view of Ronning (U.S. Patent No. 5,907,617); Claims 67, 74, and 75 were indicated as allowable; and Claims 69-73 and 78-81 were indicated as allowable if rewritten in independent form. Applicants acknowledge with appreciation the indication of allowable subject matter.

Initially, Applicants note that the IDS filed on July 19, 2005, has not been acknowledged as considered. Applicants respectfully request acknowledgement of consideration of the references in that IDS by providing Applicants with an initialed Form PTO-1449 from that IDS. For convenience, a copy of that IDS filed July 19, 2005, is submitted herein.

In response to the rejection of Claims 68, 77, 82, and 83 under 35 U.S.C. § 103(a) Applicants respectfully traverse this rejection for the following reasons. Pending Claim 68 recites, “An information providing apparatus for a system, said system including an information processing apparatus and **another** information providing apparatus, said information providing apparatus comprising... second reception control means for controlling, a reception, sent from said another information providing apparatus, of information for identifying said **another** information providing apparatus and for controlling a reception of a usage condition of said content; ... ; and second transmission control means for controlling a transmission of said information for identifying said **another** information

providing apparatus and the usage condition of said content to said information processing apparatus.” Claims 77, 82, and 83 include similar features. Therefore, arguments made on behalf of Claim 68 also apply to Claim 77, 82, and 83.

As stated in the outstanding Office Action at page 2, Stefik does not describe “second transmission control means for transmitting said information for identifying the transmission destination (now amended in Claim 68 as ‘said **another** information providing apparatus’) and said usage condition to said information processing apparatus.”

The outstanding Office Action at pages 2-3 asserts that Ronning cures this deficiency. However, Ronning describes a system for sampling software programs and selectively disabling the sampling of the software programs when the user completes the sampling or when the system detects the user is attempting to copy the sample.¹ Ronning generates a serial number of key code and provides the serial number for users when users purchase sampled software programs.² Ronning does not describe information for identifying **another** information providing apparatus and, therefore, does not describe:

“second reception control means for controlling, a reception, sent from said another information providing apparatus, of information for identifying said **another** information providing apparatus and for controlling a reception of a usage condition of said content;

...; and

second transmission control means for controlling a transmission of said information for identifying said **another** information providing apparatus and the usage condition of said content to said information processing apparatus,”

as described in pending Claim 68.

In an example embodiment covered by pending Claim 68, an “information providing apparatus,” i.e., a manager server 14 transmits the “information for identifying said **another**

¹ Ronning, Abstract, col. 3, lines 43-46.

² Ronning, Fig. 16B, Fig. 19, col. 11, lines 21-26.

information providing apparatus,” i.e. transmission destination, the shop server information.

Ronning’s destination is not different from its originating requester of service, therefore Ronning does not describe an “information for identifying said **another** information providing apparatus,” as defined by pending Claim 68.

Furthermore, in an example embodiment covered by Claim 68, Figure 24 shows usage conditions and content being delivered separately from the system’s manager server to the mobile telephone. Content and usage conditions are received by the mobile telephone 11 separately, recited in pending Claim 68 as, “An information providing apparatus for a system, said system including an information processing apparatus and another information providing apparatus, said information providing apparatus comprising... second reception control means for controlling, a reception, sent from said another information providing apparatus, of information for identifying said another information providing apparatus and for controlling a reception of a usage condition **of** said content; ... ; and second transmission control means for controlling a transmission of said information for identifying said another information providing apparatus and the usage condition of said content to said information processing apparatus.”

Stefik describes attaching usage rights to a digital work.³ Stefik states, “A key feature [of Stefik] is that usage rights are **permanently** attached to the digital work.”⁴ Stefik describes usage rights being attached to digital works when the digital works are played or copied.⁵ Accordingly, Stefik does not describe, “second reception control means for controlling, a reception, sent from said another information providing apparatus, of information for identifying said another information providing apparatus and for controlling a reception of a usage condition **of** said content; ... ; and second transmission control means for controlling a transmission of said information for identifying said another information

³ Stefik, Abstract, Fig. 1, Fig. 2, Fig. 7, Fig. 10, Fig. 14, Fig. 15, Fig. 18, col. 6, lines 62-63, col. 9, line 19.

⁴ Stefik, col. 6, lines 62-63 (emphasis added).

⁵ Stefik, Fig. 1, Fig. 15.

providing apparatus and the usage condition of said content to said information processing apparatus,” as recited in pending Claim 68.

Ronning, as described above also does not describe the relationship between the “usage condition” and “content” defined in Claim 68. Ronning does transmit its usage file 64. However, Ronning uses its usage file 14 as an internal check to determine whether to transmit the sample software.⁶ Ronning’s system for sampling software programs and selectively disabling the sampling of the software programs when the user completes the sampling or when the system detects the user is attempting to copy the sample does not describe “usage conditions” which are transmitted according to pending Claim 68.

Accordingly, neither Stefik nor Ronning describe the “second reception control means” or the “second transmission control means” as defined by pending Claim 68. Therefore, it is respectfully requested that the rejection of Claims 68, 77, 82, and 83 under 35 U.S.C. § 103(a) over Stefik in view of Ronning be withdrawn.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.


Respectfully submitted,

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⁶ Ronning, col. 5, lines 33-47.